

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SCHOLLE CORPORATION.,

PLAINTIFF,

v.

RAPAK LLC.

DEFENDANT.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Scholle Corporation (“Scholle”), for its Complaint against Defendant Rapak LLC (“Rapak”), states as follows:

PARTIES AND JURISDICTION

1. This action arises under the Patent Laws of the United States, United States Code, Title 35, § 1, *et. seq.* The Court has jurisdiction over the subject matter of this action pursuant 28 USC §§ 1331 and 1338. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b) because the Defendant resides in this judicial district and the Defendant has committed acts of infringement in this judicial district.

2. Scholle is a Nevada corporation and has a principal manufacturing facility at 200 West North Avenue, Northlake, Illinois.

3. Rapak is an Illinois Limited Liability Company having a principal place of business at 1201 Windham Parkway, Romeoville, Illinois.

4. Rapak has been and still is making, using, selling and/or offering for sale, whether alone or as part of an end product, collapsible bags for dispensing soft drinks that fall within the

scope of the patents asserted below, generally throughout the United States and in this judicial district in particular, in violation of 35 U.S.C. § 271.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,607,097

5. Scholle re-alleges paragraphs 1-4 above, inclusive, which are incorporated by reference.

6. United States Patent No. 6,607,097, entitled “Collapsible Bag for Dispensing Liquids and Method” (hereinafter, “the ‘097 patent,” a copy of which is attached hereto as Exhibit A), was duly and legally issued on August 19, 2003. Since that date Scholle has been and still is the owner of the ‘097 Patent.

7. Rapak has been and is now infringing the ‘097 patent, has been and is now inducing infringement of the ‘097 patent, and has been and is now contributing to the infringement of the ‘097 patent, in violation of 35 U.S.C. § 271(a), (b) and (c).

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 6,851,579

8. Scholle re-alleges paragraphs 1-7 above, inclusive, which are incorporated by reference.

9. United States Patent No. 6,851,579, entitled “Collapsible Bag for Dispensing Liquids and Method” (hereinafter, “the ‘579 patent,” a copy of which is attached hereto as Exhibit B), was duly and legally issued on February 8, 2005. Since that date Scholle has been and still is the owner of the ‘579 patent.

10. Rapak has been and is now infringing the ‘579 patent by making, using, selling and/or offering to sale in the United States products covered by one or more claims of the ‘579 patent.

11. All of Scholle's relevant patented articles sold within the United States have been marked with the word "patent" together with the number of the '579 patent, in accordance with 35 U.S.C. § 287.

REQUEST FOR RELIEF

WHEREFORE, Scholle respectfully requests that the Court enter a judgment:

- A. Declaring that Rapak has infringed U.S. Patent Nos. 6,607,097 and 6,851,579.
- B. Permanently enjoining Rapak, its subsidiaries, agents, officers, employees, directors, licensees, servants, successors, assigns and all others acting in privity or in concert with them, from infringing, actively inducing infringement or contributing to infringement of the U.S. Patent Nos. 6,607,097 and 6,851,579.
- C. Awarding Scholle damages adequate to compensate for Rapak's infringing activities, together with interest;
- D. Awarding Scholle such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff Scholle demands a trial by jury as to all claims and all issues properly triable thereby.

Dated: March 6, 2009

Respectfully submitted,

SCHOLLE CORPORATION

By: /s/ Allan J. Sternstein
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